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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,225	01/22/2001	Michael Berger	P00,1950	3962

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EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2177

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DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,225

Applicant(s)

BERGER, MICHAEL

Examiner

Khanh B. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The preliminary amendment filed on January 22, 2001 has been entered. Claims 1-23 have been amended.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-22 direct to "**an arrangement**", which is a non-statutory subject matter.

Claim 23 directs to "**a set of plurality of arrangements**", which is a non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. **Claims 1-23 are rejected under 35 U.S.C. 102(e)** as being anticipated by **BAUER (5,926,816)**

As per claim 1, Bauer teaches a method for a computer-aided elimination of at least one inconsistency in a database collection comprising the steps of:

- “changing said database or said at least one copy database, thereby producing an inconsistency” at Col. 6 line 60 to Col. 7 line 3;
- “allocating at least some operations which create an inconsistency to defined conflict types” at Col. 21, Table II;
- “allocating each conflict type a decision set which is used to indicate possible decisions which can be used to eliminate an inconsistency created by at least one operation of said respective conflict type” at Col. 21, Table II;
- “eliminating said inconsistency utilizing said decision set” at Col. 22 lines 30-67.

As per claim 2, Bauer teaches the method as claimed in claim 1, further comprising “the step of eliminating additional inconsistencies” at Col. 22 lines 30-67.

As per claim 3, Bauer teaches the method as claimed in claim 1, further comprising the step of “allocating each conflict type a decision set which is used to indicate possible decisions which can be used to eliminate an inconsistency created by additional operations of the respective conflict type” at Col. 21, Table II.

As per claim 4, Bauer teaches the method as claimed in claim 1, wherein “said database collection contains a plurality of copy databases of said database” at Col. 6 lines 5-25.

As per claim 5, Bauer teaches the method as claimed in claim 2, further comprising the step of "ascertaining all inconsistencies and their dependencies on one another before said step of eliminating said inconsistency" at Col. 22 lines 30-67.

As per claim 6, Bauer teaches the method as claimed in claim 5, further comprising the step of "ascertaining a conflict, an anomaly, or a pseudo-anomaly when an inconsistency is ascertained" at Col. 17 line 60 to Col. 18 line 55.

As per claim 7, Bauer teaches the method as claimed in claim 2, further comprising the step of "modifying, during elimination of said inconsistencies, said decision set for at least one conflict type depending on dependencies of said inconsistencies" at Col. 25 lines 20-60.

As per claim 8, Bauer teaches the method as claimed in claim 2, further comprising the step of "examining, after a prescribable number of eliminated inconsistencies, said database collection for further inconsistencies and their dependencies, anomalies and pseudo-anomalies" at Col. 21 lines 59-67.

As per claim 9, Bauer teaches the method as claimed in claim 1, wherein "said database collection contains an object-oriented database" at Col. 27 lines 50-65.

As per claim 10, Bauer teaches the method as claimed in claim 1, further comprising the step of "applying said method in a context of object-oriented software development" at Col. 27 lines 50-65.

As per claim 11, Bauer teaches the method as claimed in claim 1, further comprising the step of "applying said method in a context of creating a structured electronic document" at Col. 27 lines 50-65.

As per claim 12, Bauer teaches an arrangement for eliminating at least one inconsistency in a database collection comprising:

- “a processor configured to allocate at least some operations which create an inconsistency to defined conflict types” at Col. 6 lines 60-67;
- “allocate to each conflict type a decision set which is used to indicate possible decisions which can be used to eliminate an inconsistency created by at least one operation of said respective conflict type” at Col. 21 lines 35-65; and
- “eliminate said inconsistency using said decision set” at Col. 22 lines 30-67.

As per claim 13, Bauer teaches the arrangement as claimed in claim 12, wherein “said processor is configured to eliminate a plurality of inconsistencies” at Col. 22 lines 30-67.

As per claim 14, Bauer teaches the arrangement as claimed in claim 12, wherein “said processor is configured to allocate each conflict type a decision set which is used to indicate possible decisions which can be used to eliminate an inconsistency created by a plurality of operations of said respective conflict type” at Col. 21 lines 30-65.

As per claim 15, Bauer teaches the arrangement as claimed in claim 12, wherein “said processor is configured to operate a database collection that contains a plurality of copy databases of said database” at Col. 6 lines 5-25.

As per claim 16, Bauer teaches the arrangement as claimed in claim 13, wherein “said processor is configured to ascertain all inconsistencies and their

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dependencies on one another before said inconsistencies are eliminated" at Col. 22 lines 30-67.

As per claim 17, Bauer teaches the arrangement as claimed in claim 12, wherein "said processor 1s is configured to a certain a conflict, an anomaly or a pseudo-anomaly when an inconsistency is ascertained" at Col. 22 lines 30-67.

As per claim 18, Bauer teaches the arrangement as claimed in claim 13, wherein "said processor is configured to modify, during elimination of said inconsistencies, a decision set for at least one conflict type depending on dependencies of said inconsistencies" at Col. 25 lines 20-60.

As per claim 19, Bauer teaches the arrangement as claimed in claim 13, wherein "said processor is configured to examine, after a prescribable number of eliminated inconsistencies, said database collection for further inconsistencies and their dependencies, anomalies and pseudo-anomalies" at Col. 24 lines 10-67.

As per claim 20, Bauer teaches the arrangement as claimed in claim 12, wherein "said processor is configured to operate on said database collection that contains an object-oriented database" at Col. 27 lines 45-65.

As per claim 21, Bauer teaches the arrangement as claimed in claim 12, wherein "said processor is configured to operate in a context of object-oriented software development" at Col. 27 lines 45-65.

As per claim 22, Bauer teaches the arrangement as claimed in claim 12, wherein "said processor is configured to operate in a context of creating a structured electronic document" at Col. 27 lines 45-65.

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As per claim 23, Bauer teaches a set of a plurality of arrangements for eliminating at least one inconsistency in a database collection containing a database and at least one copy database of said database comprising:

- “a plurality of processors, wherein each arrangement has at least one processor which is configured to: allocate at least some operations which create an inconsistency to defined conflict types” at Col. 6 line 60 to Col. 7 line 3;
- “allocate to each conflict type a decision set which is used to indicate possible decisions which can be used to eliminate an inconsistency created by at least one operation of said respective conflict type” at Col. 21, Table II;
- “eliminate said inconsistency using said decision set” at Col. 22 lines 30-67;
- “said arrangements being configured to be coupled to one another” at Fig. 1.

Conclusion

5. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(703) 305-9601** for faster service.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240.

Khanh B. Pham
Examiner
Art Unit 2177

KBP
May 30, 2003


JOHN BREENE
SUPERVISORY PATENT EXAMINER
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